

### **REMARKS/ARGUMENTS**

Prior to this Amendment, the application included claims 1-5, 7, 9, 11-15, 17, 18, 21 and 23. Claims 1 and 21 have been amended. No claims have been canceled or added. Hence, after entry of this Amendment, claims 1-5, 7, 9, 11-15, 17, 18, 21 and 23 stand pending for examination.

Claims 1-5, 7, 9, 21 and 23 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Claims 1-5, 7, 9, 11-15, 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the cited portions of U.S. Patent No. 6,397,194 to Houvener et al. ("Houvener") in view of the cited portions of U.S. Patent Publication No. 2001/0029470 to Schultz et al. ("Schultz").

Claims 21 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schultz.

#### **Rejections Under 35 U.S.C. § 112, Second Paragraph**

Without acquiescing to the propriety of the rejection, the Applicant has amended claims 1 and 21 to address the 35 U.S.C. § 112, second paragraph, rejections. No new matter has been added.

#### **Rejections Under 35 U.S.C. § 103(a)**

The Applicant respectfully traverses the rejection of all claims since the Office Action has not established a *prima facie* case of obviousness. Specifically, the cited references do not teach or suggest all of the claim limitations, one of skill in the art would not be motivated to combine the references, and there is no reasonable expectation that the reference teachings could be combined successfully.

Focusing initially on claim 18, the Office Action does not cite a reference that teaches or suggests “means for categorizing a plurality of items on a receipt into user-definable categories according to the product information.” The Office Action does not address this limitation of claim 18. Schultz does not teach or suggest user-defined categories nor means for categorizing items into user-defined categories. Hence, claim 18 is believed to be allowable, at least for this reason. Note that claim 18 has not been amended herein and, unless claim 18 is hereafter indicated to be allowable, any further rejection of claim 18 would require a non-final Office Action.

Claims 1 and 21 recite “receiving from a consumer computer information that defines at least one user-defined category.” The cited references do not teach or suggest this. The Office Action fails to give patentable weight to the element as it existed prior to the amendments herein. If the rejection is maintained on that grounds, the Applicant respectfully requests a citation to the appropriate rule or guideline that allows an Examiner such discretion. In the absence of such, the Applicant maintains that claims 1 and 21 are allowable, at least for the foregoing reason.

All claims are believed to be allowable for the additional reason that one of skill in the art would not be motivated to combine the references. Houvener teaches away from Schultz since Houvener requires paper receipts (see Houvener, col. 6, ll. 59-60) and Schultz deals exclusively with electronic environments (see, for example, the Abstract, and paragraphs 3, 10, 29 and 31, among others, of Schultz). Hence, any hint of a motivation to combine the references is destroyed by this teaching away. All pending claims are, therefore, believed to be allowable, at least for this additional reason.

Moreover, the cited references could not be successfully combined to produce a working embodiment of the Applicant’s claimed invention. Houvener relates to scanning paper receipts. Schultz deals exclusively with electronic environments. There is no receipt generated by Schultz to be scanned by Houvener. There being no teaching that allows one to interface with

the other, the system produced by the combination would fail to function properly. Hence, all pending claims are believed to be allowable, at least for this additional reason.

## **Conclusion**

In view of the foregoing, the Applicant believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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